

September 17, 2014

By ECF

Hon. Paul G. Gardephe
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Lockheed Martin Corporation v. MTA Capital Construction Co. and Metropolitan
Transp. Auth., 09-CV-6033 (PGG) (GWG)

Dear Judge Gardephe:

We represent Defendants MTA and MTACC in the above-referenced actions. We write in opposition to Lockheed's letter to the Court requesting a continuance of the trial date and the opportunity to supplement its trial declarations.

Lockheed's request to delay the trial and be permitted to recast its papers would be prejudicial to the MTA. The October 6th trial date for this action was set by Order dated June 10, 2014, and this Court has previously communicated to the parties that they be prepared for trial, notwithstanding the pending summary judgment motions. MTA has accordingly planned to have all of its witnesses available for proceedings as scheduled, and it would pose considerable inconvenience to these witnesses and added cost to our clients were this matter to be postponed as Lockheed asks. Further, adjustment to the parties' respective trial strategies based on this Court's decision on summary judgment simply does not, in our view, require a resubmission of the parties' trial declarations or any other pretrial submissions.

Thank you for your attention to this matter.

Respectfully submitted,



Ira J. Lipton

cc: Michael Chartan, Esq. (by ECF)
Adam Friedman, Esq. (by ECF)